

Hearing Date and Time: TBD
Objection Deadline: August 6, 2021

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.¹

Chapter 11
No. 18-10509 (SHL)
(Jointly Administered)

Related Dkts: 1121, 1157, 1158, 1161

**TRUSTEE'S MOTION FOR SUMMARY JUDGMENT ON HIS
OBJECTIONS TO CLAIMS OF BANK OF INDIA (BHARAT DIAMOND
BOURSE BRANCH) [No. 55], BANK OF INDIA (ANTWERP
BRANCH)/FIRESTAR DIAMOND BVBA [No. 12], UNION BANK OF
INDIA [No. 16], AND BANK OF INDIA (LONDON BRANCH) [No. 17]**

Richard Levin, as liquidating trustee (“**Trustee**”) of the Firestar Diamond Liquidating Trust, moves under Federal Rule of Civil Procedure 56 and Federal Rule of Bankruptcy Procedure 7056 for entry of an order granting summary judgment in his favor and against Bank of India (Bharat Diamond Bourse Branch) (“**BOI-B**”), Bank of India (Antwerp Branch) (“**BOI-A**”), Union Bank of India (“**UBI**”), Bank of India (London Branch) (“**BOI-L**,” together with BOI-B, BOI-A, and UBI, the “**Banks**”), and I. Mertens and E. VanCamp as Receivers (the “**Receivers**”) of Firestar Diamond BVBA (“**BVBA**”) with respect

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Firestar Diamond, Inc. (2729), Fantasy, Inc. (1673), and Old AJ, Inc. f/k/a A. Jaffe, Inc. (4756).

to the relief requested in the Chapter 11 Trustee's Objections to the claims of the Banks and of I. Mertens & E. VanCamp as Receivers for Firestar Diamond BVBA (Dkts. 1157 [BOI-B], 1158 [[BOI-L], 1161 [UBI], 1121 [Receivers, BOI-A, UBI, and BVBA]) (the "**Objections**").

In support of this Summary Judgment Motion, the Trustee is contemporaneously filing a statement of undisputed material facts and a memorandum of law (the "**Memorandum of Law**") setting forth the legal and factual bases entitling the Trustee to summary judgment on his Objections.

WHEREFORE, for the reasons set forth in the Memorandum of Law, the Trustee respectfully requests entry of an order, substantially in the form annexed as **Exhibit A**, granting summary judgment in his favor as to the relief requested in the Objections.

Dated: June 30, 2021
New York, New York

Respectfully submitted,

JENNER & BLOCK LLP

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Exhibit A
Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.¹

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

Related Dkts: 1121, 1157, 1158, 1161

**ORDER GRANTING TRUSTEE'S MOTION FOR
SUMMARY JUDGMENT ON HIS OBJECTIONS TO CLAIMS
OF BANK OF INDIA (BHARAT DIAMOND BOURSE BRANCH) [No. 55], BANK
OF INDIA (ANTWERP BRANCH)/FIRESTAR DIAMOND BVBA [No. 12], UNION
BANK OF INDIA [No. 16], AND BANK OF INDIA (LONDON BRANCH) [No. 17]**

This matter coming before the Court on the motion for summary judgment (the “**Motion**”) of Richard Levin, liquidating trustee (the “**Trustee**”) of the Firestar Diamond Liquidating Trust, with respect to the relief requested in the Chapter 11 Trustee’s objections to the claims of Bank of India (Bharat Diamond Branch Bourse) (“**BOI-B**”), Bank of India (Antwerp Branch) (“**BOI-A**”), Union Bank of India (“**UBI**”), Bank of India (London Branch) (“**BOI-L**,” together with BOI-B, BOI-A, and UBI, the “**Banks**”), and Firestar Diamond BVBA (“**BVBA**”) (Dkts. 1157 [BOI-B], 1158 [[BOI-L], 1161 [UBI], 1121 [BOI-A and BVBA]) (the “**Objections**”); the Court having reviewed the Motion, the statement of undisputed facts, and the memorandum of law (the “**Memorandum of Law**”) filed in support thereof; the Court having found that (a) the Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334 and (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b); and the Court having determined that the legal and factual bases set forth in the Memorandum of Law establish just cause for the relief granted herein;

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Firestar Diamond, Inc. (2729), Fantasy, Inc. (1673), and Old AJ, Inc. f/k/a A. Jaffe, Inc. (4756).

IT IS HEREBY ORDERED:

1. The Motion is GRANTED as set forth herein.
2. Under Rule 56 of the Federal Rules of Civil Procedure, made applicable by operation of Federal Rules of Bankruptcy Procedure 7056 and 9014, summary judgment is GRANTED in favor of the Trustee on his Objections
3. The Objections are SUSTAINED, and the following claims are disallowed in their entirety:
 - a. Claim No. 12 of I. Mertens and E. VanCamp as Receivers of Firestar Diamond BVBA, asserted on behalf of Union Bank of India (UK) Ltd. and Bank of India (Antwerp Branch);
 - b. Claim No. 16 of Union Bank of India (UK) Ltd.;
 - c. Claim No. 17 of Bank of India (London Branch), and
 - d. Claim No. 55 of Bank of India (Bharat Diamond Bourse Branch).
4. The Trustee and the Clerk of this Court are authorized to take all actions necessary or appropriate to effectuate this Order.
5. The Court retains jurisdiction with respect to all matters arising from or relating to the implementation of this Order.

Dated: _____, 2021
New York, New York

HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE